

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

United States District Court
Southern District of Texas

ENTERED

December 16, 2016

David J. Bradley, Clerk

THOMAS DUANE MERRERO
PELLECIER,

Petitioner,
VS.

UNITED STATES ATTORNEY
GENERAL,

Respondent.

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CIVIL NO. 2:16-CV-22

ORDER

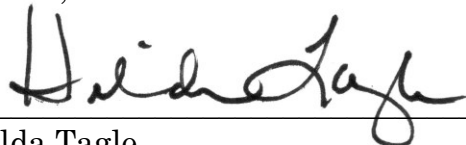
Petitioner Thomas Duane Merrero Pellecier, Texas prisoner number 01940959, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, which argues that he is entitled to credit on his federal sentence for time he has spent in state custody. Dkt. No. 1.

The Court has before it Respondent's motion to dismiss, Dkt. No. 12, Petitioner's response to this motion, Dkt. No. 19, and the Memorandum and Recommendations of the magistrate judge to whom this case was referred pursuant to 28 U.S.C. § 636(b), Dkt. No. 20 ("M&R"). The deadline to file objections to the magistrate judge's proposed findings and recommendations has passed, and the docket sheet shows that no objections have been filed. *See* 28 U.S.C. § 636(b)(1) (setting 14-day deadline to file objections); Fed. R. Civ. P. 72(b)(2) (same); *see also* M&R at 7 (advising parties of 14-day deadline).

After independently reviewing the record and considering the applicable law, the Court adopts the magistrate judge's proposed findings and recommendations; **GRANTS** Respondent's motion to dismiss, Dkt. No. 12; and **DISMISSES WITHOUT PREJUDICE** the petition for a writ of habeas corpus, Dkt. No. 1. The Clerk shall close this case after entering the accompanying judgment.

It is so ORDERED.

SIGNED this 16th day of December, 2016.



Hilda Tagle
Senior United States District Judge